

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
BellSouth Telecommunications, Inc.)	
Tariff FCC No. 1)	WCB/Pricing No. 02-15
Transmittal No. 629)	
)	

ORDER ON RECONSIDERATION

Adopted: June 7, 2002

Released: June 7, 2002

By the Chief, Pricing Policy Division:

I. INTRODUCTION

1. On May 10, 2002, we released an order that suspended for five months and set for investigation BellSouth Telecommunications, Inc. (BellSouth) Tariff FCC No. 1, Transmittal No. 629.¹ This transmittal seeks to establish rate increases, over a two-year period, to recover extraordinary costs associated with the implementation of thousands-block number pooling. After thoroughly reviewing BellSouth’s tariff and accompanying materials, we now find that BellSouth has substantially complied with the provisions of the *Numbering Resource Optimization Third Report and Order*² and that the tariff no longer warrants investigation. Accordingly, on our own motion, we reconsider our decision to suspend and investigate BellSouth’s Transmittal No. 629.

II. BACKGROUND

2. In the *Suspension Order*, based on our own review of BellSouth’s Transmittal No. 629 and petitions filed by AT&T Corp. (AT&T)³ and WorldCom, Inc. (WorldCom),⁴ we

¹ *BellSouth Telecommunications, Inc. Tariff FCC No.1 Transmittal No. 629*, WCB/Pricing No. 02-15, Order, DA 02-110 (released May 10, 2002) (“*Suspension Order*”).

² *Numbering Resource Optimization*, CC Docket Nos. 96-98 and 99-200, Third Report and Order and Second Order on Reconsideration, 17 FCC Rcd 252 (2001) (*Third Report and Order*).

³ Petition of AT&T Corp., filed May 3, 2002 (“AT&T Petition”).

⁴ Petition of WorldCom, Inc., filed May 3, 2002 (“WorldCom Petition”).

suspended for five months and set for investigation BellSouth's Transmittal No. 629, revising Tariff FCC No. 1. After reviewing the transmittal, petitions, and replies, we concluded that BellSouth's Transmittal No. 629 raised substantial questions of lawfulness warranting suspension and investigation. In general, we had concerns that BellSouth had not provided sufficient cost justification and other support to permit a full assessment of the reasonableness of the proposed charges and that BellSouth had not met its burden of proof necessary to rebut the Commission's presumption that no additional recovery is justified.

III. DISCUSSION

3. Since issuing our May 10, 2002 *Suspension Order*, we have analyzed the initial tariff and transmittal, corresponded with the parties, and examined supplemental data filed by BellSouth. Based on our review of the record, including the supplemental information, we conclude that BellSouth Transmittal No. 629 does not raise issues that warrant investigation. We therefore reconsider, on our own motion, our decision to suspend for five months and investigate BellSouth's Transmittal No. 629 and hereby terminate our investigation of that transmittal.

IV. ORDERING CLAUSES

4. ACCORDINGLY, IT IS ORDERED that, pursuant to section 204 of the Communications Act of 1934, as amended, 47 U.S.C. § 204, and sections 0.91, 0.291, and 1.108 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 1.108, we reconsider, on our own motion, our decision in the *Suspension Order* to suspend for five months and investigate the revisions filed by BellSouth Telecommunications, Inc., under Transmittal No. 629.

5. IT IS FURTHER ORDERED that, pursuant to section 204 of the Communications Act of 1934, as amended, 47 U.S.C. § 204, and sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, the investigation imposed in WCB/Pricing File No. 02-15 IS TERMINATED with respect to BellSouth Telecommunications, Inc.

FEDERAL COMMUNICATIONS COMMISSION

Tamara L. Preiss
Chief, Pricing Policy Division
Wireline Competition Bureau